

**REMARKS/ARGUMENTS**

Claims 1-7 are pending in the present application. Claims 1-7 stand rejected for the reasons indicated in the Office Action. The disclosure, drawings, and claims 1-7 stand objected to due to the reasons stated in the Office Action. In response, the disclosure has been amended, and Figures 1, 3 and 4 have been amended. Additionally, claim 4 has been canceled and claims 1 and 6 have been amended. No new matter is added by these amendments. Entry of these amendments is requested.

**With Respect to the Objections to the Disclosure, Page 2, Paragraph 1 of the Office Action:**

The disclosure is objected to for the reasons indicated on page 2, paragraph 1 of the Office Action. In response:

- 1) the Abstract has been amended to remove all occurrences of “means,” and in addition, the British spelling of the word “optimize” has been changed to Standard American English spelling, and some typographical errors have been corrected;
- 2) the application serial number of the parent PCT patent application has been corrected in the Cross-reference to Related Application section;
- 3) the duplicate occurrence of the word “a” has been deleted from page 3, line 14; and
- 4) page 7, lines 11-13 have been amended to correct the grammatical errors identified by the United States Patent and Trademark Office.

Further, the United States Patent and Trademark Office has indicated that “[o]n page 5, line 12, it is not clear from the drawing what constitutes the seat 20', 20" into which the means 12 is inserted.” Page 5, lines 9-13 of the present application read “...the opening and closing means 12 are shaped as an elongated slider (preferably with a trapezoidal transverse section) and are inserted into a seat 20', 20" obtained in the first and second half-cases 3, 5.” As can be seen in Figure 1 and Figure 3, the seat 20', 20" refers to the gap between the first and second half-cases 3, 5 on the edges opposite the hinged edges, where the seat 20', 20" is

created when the first and second half-cases 3, 5 are in a closing position. The position of the opening and closing means 12 is also clearly indicated in Figure 5 with respect to the first and second half-cases 3, 5. The Applicant believes that what constitutes the seat 20', 20" is clear in the drawings as originally filed.

Further, the United States Patent and Trademark Office has indicated that "[o]n page 5, lines 14-18, it is not clear in what sense the pin goes in and out of seat 22, and how it locks the means 12." Page 5, lines 14-16 read: "... the locking and unlocking means 18 are composed of a cylindrical pin adapted to go in and out of a seat 22 obtained in the opening and closing means 12." The cylindrical pin portion of the locking and unlocking means is labeled 18 and is clearly shown separately in Figure 2 and Figure 3. The seat 22 is clearly shown from multiple angles in Figure 2, Figure 3 and Figure 4. The interface between the pin (18) and the seat 22 is shown in Figure 1 and Figures 5-8. The operation of this mechanism is disclosed as follows, among other places, and with reference to the figures (as amended herein):

As operating variation, the case 1 of the invention can further be equipped with resilient means 24 (commonly an elongated plane lamellar spring or an helical spring) operatively connected to one of the first or second half-cases 3, 5 and to the opening and closing means 12: such resilient means 24 are adapted to push the opening and closing means 12 in an opening position when they are unlocked by the locking and unlocking means 18. [page 5, line 24 through page 6, line 6]

Finally, the seat 22 of the opening and closing means 12 is equipped with walls 46 for enabling a sliding of the locking and unlocking means 18 and with at least one holding shoulder for unmovably holding the locking and unlocking means 18 in a closing position. [page 6, lines 18-22]

With the open case 1 (Fig. 8), in order to close it, the object to be protected is placed into the case 1 and the two half-cases 3, 5 are closed one over the other (Fig. 6 and 7) making the opening and closing means 12 slide till the locking and unlocking means 18 have slid into the seat 22 abutting onto

the holding shoulder in order to lock the case 1 in a closing position (Fig. 6). [page 7, lines 1-7]

In order to open the case 1, the locking and unlocking means 18 are attracted (through known magnetic means, commonly available in the sales counters of the places where the cases 1 are located) outside the seat 22, freeing thereby the opening and closing means 12, that are made slide (manually or through the resilient means 24) into their disengagement position with the first and second half-cases 3, 5 in order to allow opening the case 1 for removing therefrom or inserting therein a product. [page 7, lines 8-16]

The Applicant believes that the text above is self-explanatory. The case is opened by applying magnetic force to the pin of the locking and unlocking means 18, thereby drawing the pin into the seat 22, and thereby allowing the opening and closing means 12 to slide, allowing the two half-cases 3, 5 to separate. When the two half-cases 3, 5 are closed and the magnetic force is removed, the pin of the locking and unlocking means 18 goes out of the seat 22 causing the small projection end of the pin, as shown in Figure 2 and Figure 3, to engage the hole in the edge of the case as shown, thereby locking the opening and closing means 12 in the closed position.

Further, the United States Patent and Trademark Office has indicated that “[o]n page 5, lines 14-18, the hooks 45 are not understood, as reference numeral 45 cannot be located.” Figure 3 and Figure 4 have been amended to add the reference numeral 45 to the Figures. As indicated in the disclosure:

Still more, the locking and unlocking means 18 are composed of a cylindrical pin adapted to go in and out of a seat 22 obtained in the opening and closing means 12, and they can be equipped with holding hooks 45 to further improve the case 1 closure. [page 5, lines 14-18]

As can be appreciated now that the reference numerals have been added, the hooks 45 work in conjunction with their corresponding recesses (shown but not numbered), to align and

maintain the opening and closing means 12 with two half-cases 3, 5 when the case is in the closing position.

Further, the United States Patent and Trademark Office has indicated that “[o]n page 6, lines 18-22, it is not clear in what sense the seat 22 is equipped with walls 46 and a holding shoulder 48. Figure 1 shows numerals 46, 48 as being spaced from a seat 22, and the function of elements 46, 48 is not clear.” In response, Figure 1 has been amended to remove the reference numerals 46 and 48 which were erroneous. The Applicant believes that these amendments obviate the objection.

Further, the United States Patent and Trademark Office has indicated that “[o]n page 6, lines 18-22, it is not clear in what sense the seat 22 is equipped with walls 46 and a holding the hooks 45 are not understood, as reference numeral 45 cannot be located.” Figure 3 and Figure 4 have been amended to add the reference numeral 45 to the Figures.

Further, the United States Patent and Trademark Office has questioned “[o]n page 7, lines 5-7, from where does the means 18 slide, into the seat 22, and how does it abut shoulder 48 in figure 1.” The means 18 slide from a position engaging the recess in the edge of the half-case opposite the hinges, when the case is closed, into the seat 22 abutting a shoulder inside the seat 22, when the case is opened magnetically.

The amendments and discussions above are believed to obviate the objections in the last sentence of paragraph 1 on page 2 of the Office Action. For the above reasons, the Applicant requests that all of the objections made in page 2, paragraph 1 be withdrawn.

**With Respect to the Objections to the Drawings, Page 3, Paragraph 2 of the Office Action:**

The drawings stand rejected for failing to show the helical spring of claim 4. In response, claim 4 has been canceled. The Applicant requests that this objection be withdrawn.

**With Respect to the Claim Objections, Page 4, Paragraph 2 of the Office Action:**

Claims 1-7 have been objected to due to the informalities indicated on page 4, paragraph 2 of the Office Action. With respect to the objection to claim 1 noted on page 9,

line 1, the Applicant believes that the language in claim 1 is clear in view of the amendments made above and requests reconsideration of this objection. With respect to the objection to claim 4, claim 4 has been canceled. The Applicant requests that these objections be withdrawn.

**With Respect to the Rejections under 35 U.S.C. §103(a), Pages 4-5 of the Office Action:**

Claims 1, 6, and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 3,837,692 to Ayers et al. in view of United States Patent 4,966,020 to Fotheringham et al., the United States Patent and Trademark Office stating on page 4, paragraph 6 that “Ayers teaches identical (column 4, line 30) first and second hinged half-cases for receiving miscellaneous items...” Column 4, lines 29-30 of the ‘692 Patent read in total:

Another feature of this safety fastener is that its components on the two box sections are identical.

The Applicant has examined the ‘692 Patent and has found the use of the term “safety fastener” to be confusing and inconsistent. The term “safety fastener” is used in the ‘692 Patent in the title, abstract, background and claims, but only in the description of the preferred embodiment at col. 4, lines 29-30, cited above, and in the Brief Description of the Drawing [sic] in col. 2, lines 3-4: “FIG. 1 is a front view in elevation of a container embodying the safety fastener of the invention.” The term “safety fastener” is NOT given a reference numeral anywhere in the ‘692 Patent. However, it is clear that whatever column 4, lines 29-30 of the ‘692 Patent actually means, the adjective “identical” is not made in reference to the two box sections (corresponding to the two half-cases in the present application) by the explicit language of the sentence. The box sections themselves are identified by reference numerals 13 (the lid) and 14 (the base) in the ‘692 Patent. The Applicant notes that the lid 13 and the base 14 of the ‘692 Patent have integral rails 16 and 17, each having an integral ledge portion 19 and a stepped portion 20, as indicated at col. 2, lines 33-37. Looking at Figure 2 of the ‘602 Patent, however, it is clear that the lid and base with their integral ledge portion and stepped portion are NOT identical in size and shape as claimed in claim 1 of the present invention.

In order to more clearly distinguish the present invention as claimed in claim 1 from the device shown in the '692 Patent, the limitation that the "opening and closing means [are] separate from the first half-case, and from the second half case" has been added. Support for this limitation can be found throughout the present application and as shown in Figure 2, Figure 3 and Figure 4.

Therefore, no prima facie case of obviousness has been established with respect to claim 1. Claims 6 and 7 depend on claim 1, which is now believed to be patentable as indicated above. Therefore, withdrawal of this rejection is requested.

Claims 2-4 stand under 35 U.S.C. §103(a), page 5, paragraph 3, of the Office Action as being unpatentable over United States Patent 3,837,692 to Ayers et al. in view of United States Patent 4,966,020 to Fotheringham et al. and further in view of 1,561,018 to Peelle. Claim 4 has been canceled for reasons not having to do with this rejection. Claims 2 and 3 depend on claim 1, which is now believed to be patentable as indicated above. Therefore, withdrawal of this rejection is requested.

Claim 5 stands rejected under 35 U.S.C. §103(a), page 5, paragraph 3, of the Office Action as being unpatentable over United States Patent 3,837,692 to Ayers et al. in view of United States Patent 4,966,020 to Fotheringham et al. and further in view of United States Patent 2,286,437 to Levensten. Claim 5 depends on claim 1, which is now believed to be patentable as indicated above. Therefore, withdrawal of this rejection is requested.

**CONCLUSION**

The Applicants believe that all pending claims, claims 1-3 and 5-7 are now believed to be in condition for allowance and a Notice of Allowance is requested. If, however, there remain any issues which can be addressed by telephone, the Examiner is encouraged to contact the undersigned.

No fee is believed due in connection with this communication. If, however, any fee is owed, the Commissioner is hereby authorized to charge payment of the fee associated with this communication to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON & MAK  
A Professional Corporation

Date: June 14, 2006

By: /David A. Farah/

David A. Farah, M.D.  
Reg. No. 38,134

Please direct all communications to:

**David A. Farah, M.D.**

SHELDON & MAK PC

225 South Lake Avenue, 9<sup>th</sup> Floor

Pasadena, CA 91101

Tel.: (626) 796-4000 Fax: (626) 796-4000

Fax: (626) 795-6321

E-mail: [davidf@usip.com](mailto:davidf@usip.com)